

ZB# 88-33

**Steven Marquis /
Luck Enterprises, Inc.**

59-1-1.1

Prelim.
May 23rd.

#88-33 - Marquis,
Steve C. - 2nd cont'd.

Public
Hearing:
June 13, 1988

Notice
delivered to
Sentinel
on 6/1/88.

Collect paid
Fee \$25.00

Area variance
Granted 6/13/88

General Receipt

9898

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

June 15 19 88

Received of Stephen Luck

\$ 25. ⁰⁰/₁₀₀

Twenty-five and

100 DOLLARS

For Young Board Application Fee - #88-33

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Cheek 751</u>		<u>25.00</u>

By Pauline H. Townsend

Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

88-33

Date: June 1st, 1988

I. Applicant Information: ✓

- (a) Stephen Luck (446-8242) Steven Marquis (462-4792)
(Name, address and phone of Applicant) (Owner)
(b) Bruce + Donna Ranning 125A Hillcrest Dr. Salisbury Mills N.Y. 496-9987
(Name, address and phone of purchaser or lessee)
(c) Daniel Bloom Blooming Green Turnpike New Windsor 561-6920
(Name, address and phone of attorney)
(d) Caldwell Baker, Cherryatch Cornwall N.Y. 534-5555
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
☒ Area Variance ☐ Interpretation

III. Property Information: ✓

- (a) R-4 125A Hillcrest Dr. 59 1 1.1 .6 ac.
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? N/A
(c) Is a pending sale or lease subject to ZBA approval of this application? Yes
(d) When was property purchased by present owner? Nov. 11/88
(e) Has property been subdivided previously? Yes When?
(f) Has property been subject of variance or special permit previously? No When?
(g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? N/A
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Col. , to allow:
(Describe proposal) 2 ft. front yard variance
to permit existing single family dwelling.

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance: ✓

- (a) Area variance requested from New Windsor Zoning Local Law, Section 44-12, Table of Bulk Regs., Col. E.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35'</u>	<u>31'6"</u>	<u>3'6"</u>
Reqd. Side Yd. <u>/</u>	<u>/</u>	<u>/</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) ✓ The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

In the obtaining of a building permit, the question was asked if the corner of the foundation must be at the 35' setback. We followed this guideline and it was not detected as a problem until the house was fully constructed and the C.O. was sought. We then discovered that the overhang, which was an integral part of the design and the inspector had plans available to him, was the only problem and is presently holding back the C.O.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	<u>sq.ft.</u>	<u>sq.ft.</u>	<u>sq.ft.</u>

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

N/A

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

N/A

VII. Interpretation: N/A.

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. ☒ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

All above qualities have been fostered to meet
New Windsor Zoning Laws.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
☒ Copy of tax map showing adjacent properties.
N/A ☐ Copy of contract of sale, lease or franchise agreement.
☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
N/A ☐ Copy(ies) of sign(s) with dimensions.
☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date June 18th, 1988

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Stephen T. Luck
(Applicant)

Sworn to before me this

1st day of June, 1988.

Patricia A. Barnhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1989

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

file

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of
MARQUIS & LUCK ENTERPRISES, INC.

DECISION GRANTING
AREA VARIANCE

#88-33.

-----x

WHEREAS, MARQUIS & LUCK ENTERPRISES, INC., by its officer, Stephen Luck, with offices located at 38 Rickey Lane, Poughkeepsie, New York, 12602, has made application before the Zoning Board of Appeals for a variance for an existing single-family residence with insufficient front yard of the property at 125A Hillcrest Drive, New Windsor, N. Y. 12550; and

WHEREAS, a public hearing was held on the 13th day of June, 1988 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared in behalf of the corporation; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to allow an existing single-family dwelling with a 3 ft. 6 in. overhang at the above location in an R-4 zone.

3. The evidence presented by Applicant substantiated the fact that at the time of construction, the frontyard building line was within the allowed bulk regulation for frontyards and consideration was not given to the 3 ft. 6 in. overhang.

4. The evidence shows that the applicant will encounter practical difficulty if the variance requested is not granted since the construction is already in place.

5. The requested variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood which is residential in nature.

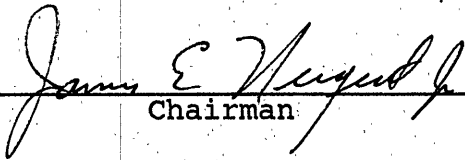
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 3 ft. 6 in. front yard variance for an existing residence as stated above in accordance with plans submitted to the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 27, 1988.


Chairman

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 33, Request of Marquis & Luck Ent., Inc., for a Variance of the regulations of the Zoning Local Law to permit existing single family dwelling with insufficient front yard, being a Variance of Section 48-12, Table of Bulk Regulations, column E, for property situated as follows:

125 A Hillcrest Drive, pursuant to tax map data as

Section 59 Block 1 Lot 1.1, New Windsor, New York 12550

Said hearing will take place on the 13th day of June, 1988, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 7:30 o'clock PM.

James Nugent

Chairman



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

June 15, 1988

1763

MARQUIS & LUCK ENTERPRISES, INC.
38 Rickey Lane
Poughkeepsie, N. Y. 12602

Attn: Stephen Luck

RE: APPLICATION FOR AREA VARIANCE
#88-33

Dear Steve:

This is to confirm that the Zoning Board of Appeals at its June 13, 1988 meeting voted to grant the above application for an area variance.

Formal decision will be drafted some time in the future and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA A. BARNHART
Secretary

/pab

Enclosure

cc: Town Planning Board
Michael Babcock, B. I.

PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-14A of the Zoning Local Law on the following proposition:
Appeal No. 33
Request of Marguist Luck Ent. Inc. for a VARIANCE of the regulations of the Zoning Local Law to permit existing single family dwelling with insufficient front yard being a VARIANCE of Section 48-12 Table of Use/Bulk Regs. Code for property situated as follows: 125 A Hillcrest Dr. pursuant to tax map date on Section 59, block 1 lot 11, New Windsor, N.Y. 12550
SAID HEARING will take place on the 13th day of June, 1988, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 7:30 o'clock P.M.
James Nugent
Chairman
By: Patricia A. Barnhart
Secretary

State of New York

County of Orange, ss:

EVERETT W. SMITH being duly sworn
disposes and says that he is
PRESIDENT of the E.W. Smith
Publishing Company, Inc. publisher
of The Sentinel, a weekly newspaper
published and of general circulation
in the Town of New Windsor, and that
the notice of which the annexed is
a true copy was published ONCE

in said newspaper, commencing on
the 2 day of JUNE A.D., 1988
and ending on the 2 day of JUNE
A.D. 1988

Everett W. Smith
Subscribed and shown to before me
this 10 day of June, 1988

Patricia A. Moore
PATRICIA A. MOORE
Notary Public, State of New York
Qualified in Orange County
No. 4814759
Commission Expires July 31, 1991
Notary Public of the State of New York
County of Orange.

My commission expires 7/31/88

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

Amended on 5/27/88

NOTICE OF DISAPPROVAL OF Certificate of Occupancy

File No. 88-127

Date 5/12, 1988

To STEVEN C. MAGALIS

38 Rickey Lane - Forest Lane + Hillcrest Drive

Poughkeepsie N.Y.

PLEASE TAKE NOTICE that your application dated 5/12, 1988

for permit to Build House

at the premises located at Hillcrest Drive & Forest Lane 54-1-1

R-4 Zone

is returned herewith and disapproved on the following grounds:

No Certificate of Occupancy

48-29 C.O. Page 4873

Needs 35 Ft Proposed 33 Need 3' 6" 2' VARIANCE

John T. Ennequin
Building Inspector
Zoning

OFFICE OF ZONING - BUILDING INSPECTOR

Amended on 5/27/88

NOTICE OF DISAPPROVAL OF

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No Certificate of Occupancy

48-29 C of O Page 4873

Needs 35 Ft Proposed 33 Need 3' 6" Variance

John Tannegan
Building Inspector
Zoning

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. 35'	31' 6"	3' 6"
Reqd. Side Yd.		
Reqd. Rear Yd.	31'	31'
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

Prelim.

May 23rd

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

88-33

NOTICE OF DISAPPROVAL OF Certificate of Occupancy

File No. 88-127

Date 5/12, 1988

To: STEVEN C. MAGALIS
38 RICKY LANE
POUGHKEEPSIE N.Y. 12601

PLEASE TAKE NOTICE that your application dated 5/12, 1988
for permit to Build House

at the premises located at Hillcrest Drive & Forest Lane 59-1-1
(Dam Lake)
R-4 Zone

is returned herewith and disapproved on the following grounds:

No Certificate of Occupancy
48-29 C.O. Page 4873
Needs 35 Ft Proposed 33 Need 2 ft VARIANCE

John T. Ennequin
Building Inspector
Zoning

Requirements
Min. Lot Area

Proposed or
Available

Variance
Request

88 -

NOTICE OF DISAPPROVAL OF Certificate of Occupancy

File No. 88-127

Date 5/12, 1988

To STEVEN C. MAGAUIS
38 Rickey Lane
Poughkeepsie N.Y. 12601

PLEASE TAKE NOTICE that your application dated 5/12, 1988
 for permit to BUILD HOUSE
 at the premises located at Hillcrest Drive & Forest Lane 59-1-1
(B Dam Lake)
R-4 Zone

is returned herewith and disapproved on the following grounds:

No. Certificate of Occupancy
48-29 C.O. Page 4873
Needs 35 Ft Proposed 33 Need 2 ft VARIANCE

John Tinnegan
 Building Inspector
Zoning

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35'</u>	<u>33'</u>	<u>2'</u>
Reqd. Side Yd. <u>7'</u>		<u>7'</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio*		

* Residential Districts only
 ** Non-residential districts only



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

44

May 31, 1988

Marquis & Luck Ent. Inc.
125A Hillcrest Drive
New Windsor, NY 12550

Re: 59-1-1.1 Variance List

Gentlemen:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$65.00 minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Sincerely,

Leslie Cook

LESLIE COOK
Assistant Assessor

LC/cp
Attachments

Rakowiecki, Stanley ✓
RD 1, Box 200
Station Road
Salisbury Mills, NY 12577

Snipel Corp. ✓
27 Waring Road
Newburgh, NY 12550

Grove Homes Inc. ✓
PO Box 188
Washingtonville, NY 10992

Briody, Thomas E. & Sonia B. ✓
PO Box 129
Salisbury Mills, NY 12577

Hirsch, Mayer ✓
6 Hayes Court
Monroe, NY 10590

Risolio, Vincent & Josephine ✓
RD 1 Park Road
Salisbury Mills, NY 12577

Filippini, Raymond &
Risolio ✓
RD 1 Lake Road
Salisbury Mills, NY 12577

Mecca, Marion ✓
c/o SMS Construction Co. ✓
PO Box 135
Salisbury Mills, NY 12577

Genese, Michael J. & Amelia ✓
Lake Rd. RD 4
Salisbury Mills, NY 12577

Gracey, Michael A. & Barbara J. ✓
59 Lake Road
New Windsor, NY 12550

Winks, Fred H. & Josephine B. ✓
434 78th St.
Brooklyn, NY 11209

Rashford, James A. III & Robin J. ✓
RD 4 Box 452 Beaver Brook Road
New Windsor, NY 12550

Ret, Herman A. & Madeline M. ✓
441 S. Pascak Road
Spring Valley, NY 10977

Kaiser, Steven & Debra ✓
PO Box 87
Salisbury Mills, NY 12577

Bar, Alexander A. & Natalie
Mecca Drive ✓
Salisbury Mills, NY 12577

Diemer, William C. & Doreen
RR #1, Box 97 Mecca Drive ✓
Salisbury Mills 12577

Foy, Michael R. ✓
PO Box 115
Greenwood Lake, NY 10925

Tuohy, Patrick & Deborah A. ✓
Lake Road
Salisbury Mills, NY 12577

Strohl, Albert & Linda ✓
RD 1 Box 195 Park Road
Salisbury Mills, NY 12577

Castellane, William W. & Maria D. ✓
RD 1 Park Road, Box 165
Salisbury Mills, NY 12577

Allain, Raymond & Emilie ✓
3215 76th Street
Jackson Heights, NY 11370

Ferraiolo, Gilda ✓
128A Forest Lane,
Salisbury Mills, NY 12577

Rodriguez, Emilio ✓
RD 1 Hillcrest Dr.
Salisbury Mills, NY 12577

Burke, Daniel K. & Kathleen M. ✓
RD 1 Hillcrest Drive
New Windsor, NY 12550

DioGuardia, Peter
2282 Arthur Avenue
Bronx, NY 10458

State of New York
Office of Mental Retardation & Dev. Dis.
Letchworth Dev. Center
Hostel #809
44 Holland Avenue
Albany, NY

Scheiper, Robert
Box 113 Hillcrest Drive
Salisbury Mills, NY 12577

Adams, William P.
RD 4 Hillcrest Road
Salisbury Mills, NY 12577

Obermeier, Margarete F.
RD 1 Hillcrest Drive
Salisbury Mills, NY 12577

Mecca, Joseph G. & Marion E.
RD 4 Lakeside Drive
New Windsor, NY 12550

Conley, Christopher J. &
Lauretta, Ellen
RD 1 Hillcrest Drive
Salisbury Mills, NY 12577

Schelhammer, Erwin O. & Erna
Hillcrest Road
Salisbury Mills, NY 12577

Fergusson, Lester C. & Linda
Box 100 Lake Road
Salisbury Mills, NY 12577

Dale, Barbara
RD 4 Hillcrest Drive
Salisbury Mills, NY 12577

Witt, Robert E. & Edna J.
RD 1 Hillcrest Drive
New Windsor, NY 12550

Pearson, John & Elsie
RD 1, Box 110 Hillcrest Drive
Salisbury Mills, NY 12577

Conley, Albert N. & Mary Jane
Hillcrest Drive
Salisbury Mills, NY 12577

Capone, Joseph R. & Annette M.
RD 1, 112 Hillcrest Drive
Salisbury Mills, NY 12577

Kitchen, Paul M. & Alida J.
113A Hillcrest Drive
Salisbury Mills, NY 12577

DiMaggio, Dominick & Dorothy
RD 1, Valley Ave.
Salisbury Mills, NY 12577

Hagerth, Rita F.
Box 151, RD 1
Salisbury Mills, NY 12577

Walters, William A. & Janet L.
RD 1, Box 117
Salisbury Mills, NY 12577

DeZago, Richard & Karen
RD 4, Valley Drive
Salisbury Mills, NY 12577

O'Brien, Timothy & Mary
Apt. 2614
111 Briny Ave
Pompano Beach, Florida 33062